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*Electronically Filed on
 February 5, 2007*

8 **Attorneys for JV Direct Lenders:**
 9 Charles B. Anderson Trust; Rita P. Anderson
 9 Trust; Baltes Company; Kehl Family
 10 Members; Mojave Canyon, Inc. and
 10 Fertitta Enterprises, Inc. with respect to non-plan
 11 issues only.

12 **UNITED STATES BANKRUPTCY COURT**

13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE COMPANY,
 15 Debtor.

Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR
 Case No. BK-S-06-10729-LBR

16 USA CAPITAL REALTY ADVISORS, LLC, Debtor.

Chapter 11

17 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
 18 LLC, Debtor.

**FOURTH AMENDED VERIFIED
 STATEMENT OF JONES
 VARGAS PURSUANT TO
 BANKRUPTCY RULE 2019
 (AFFECTS ALL DEBTORS)**

19 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 20 Debtor.

21 USA SECURITIES, LLC,
 21 Debtor.

22 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Hearing Date: n/a
 Hearing Time: n/a

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1 I, Janet L. Chubb, Esq., declare, under penalty of perjury, and state, as follows:

2 1. I am an attorney licensed to practice law in the state of Nevada and am a
3 shareholder of the law firm of Jones Vargas. I have personal knowledge of the facts set forth
4 herein and if called as a witness could and would competently testify thereto.

5 2. Louis M. Bubala, Esq., an associate of Jones Vargas, and I are the attorneys
6 primarily responsible for representing the below listed Direct Lenders in connection the above-
7 captioned cases, as first deed of trust holders only, with regard to certain loans which were
8 originated and serviced by the Debtors.

9 3. Fertitta Enterprises, Inc., is a client of Jones Vargas. Jones Vargas was retained in
10 this matter at the instance of William C. Bullard. Jones Vargas represents Fertitta Enterprises,
11 Inc., in non-plan and non-appeal issues, only. See proof of retention of Jones Vargas attached as
12 Exhibit A.

13 4. The other clients, Charles Anderson Trust, Rita Anderson Trust, Kehl Family and
14 Mojave Canyon, Inc., contacted Jones Vargas based on its early filing of a motion for relief from
15 the automatic stay or based on word of mouth. See proof of retention of Jones Vargas attached as
16 Exhibits B, C, and D.

17 5. The representation of each client is based on direct loans that each of them made to
18 the borrowers in one or more of various real property development projects as listed in the chart
19 below, which are/were being serviced by USA Commercial Mortgage Company and which are
20 secured by deeds of trust.

21 6. The approximate dates of the loans for each client is listed in the chart below.

22 7. The total of the loans made by the below listed individuals and entities was, at the
23 time the petition was filed, approximately \$46,408,500.00. See specific amounts per project in the
24 chart below.

25 DATED this 5th day of February, 2007.

26 JONES VARGAS

27 By: //s// Janet L. Chubb

28 JANET L. CHUBB, ESQ.

LOUIS M. BUBALA, ESQ.

Attorneys for JV Direct Lenders

<u>NAME(S) OF CLIENTS</u>	<u>BORROWER</u>	<u>AMOUNT OF LOAN</u>	<u>APPROXIMATE DATE OF LOAN</u>
Charles B. Anderson Trust 211 Copper Ridge Court Boulder City, NV 89005	5252 Orange, LLC 60 th Street Venture 6425 Gess Ltd. Amesbury/Hatters Bay Pompano Beach Beastar, LLC Copper Sage Del Valle Isleton Eagle Meadows Fiesta/Beaumont Glendale Tower Golden State Gramercy Court HFAH-Clear Lake HFAH- North Yonkers/One Point St Huntsville Margarita Annex Marlton Square ¹ Oak Shores II Opaque/Mt. Edge Placer Vineyards Placer Vineyards 2 nd Riviera (HFA) Roam Development Standard Property Tapia Ranch/Castaic Partners Wasco Investments \$3,883,500.00	\$100,000 \$125,000 \$300,000 \$100,000 \$200,000 \$100,000 \$100,000 \$303,500 \$200,000 \$100,000 \$100,000 \$100,000 \$200,000 \$100,000 \$100,000 \$200,000 \$200,000 \$100,000 \$100,000 \$225,000 \$200,000 \$100,000 \$150,000 \$100,000 \$100,000 \$100,000 \$120,000 \$3,883,500.00	12/19/05 12/19/05 4/4/05 7/20/04 5/2/05 5/2/05 1/28/05 3/17/05 10/6/05 9/8/04 6/1/05 6/23/05 6/19/04 1/12/05 2/11/05 3/29/05 7/23/04 6/1/05 5/9/05 ? ² 12/6/04 12/6/04 5/2/05 2/18/05 1/26/06 9/8/04 11/22/04
Rita P. Anderson Trust 211 Copper Ridge Court Boulder City, NV 89005	5252 Orange, LLC 60 th Street Venture 6425 Gess Eagle Meadows Fiesta/Beaumont HFAH-Clear Lake HFAH-North Yonkers/One Point St Marlton Square ¹ Placer Vineyards Roam Development Tapia Ranch/Castaic Partners Wasco Investments \$1,270,000.00	\$100,000 \$100,000 \$100,000 \$150,000 \$100,000 \$100,000 \$100,000 \$100,000 \$100,000 \$100,000 \$100,000 \$120,000 \$1,270,000.00	12/19/05 12/19/05 4/4/05 10/6/05 9/8/04 1/12/05 2/11/05 6/1/05 12/6/04 2/18/05 9/8/04 11/22/04

¹ Marlton Square & MS Acquisition are the same thing. Marlton Square 2nd is also affiliated with MS Acquisition

² None of the loans with a ? for the loan date was made for anything other than investment purposes.

1	Baltes Company 211 Copper Ridge Court Boulder City, NV 89005	3685 San Fernando Binford Medical Del Valle - Livingston J. Jireh's Corporation Marlton Square 2 nd ¹ \$650,000.00	\$150,000 \$100,000 \$100,000 \$200,000 \$100,000	7/29/05 8/18/05 8/8/05 8/24/05 10/31/05
5	Fertitta Enterprises, Inc. ³ William J. Bullard, CFO 2960 W. Sahara Ave. # 200 Las Vegas, NV 89102	Brookmere, LLC Colt Gateway Marlton Square ¹ Tapia Ranch/ Castaic Partners \$13,000,000.00	\$1,000,000 \$4,000,000 \$3,000,000 \$5,000,000	12/17/04 12/22/02-7/30/03 12/6/05 10/8/04
8	Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<i>Robert & Ruth Kehl:</i> 3685 San Fernando Road Anchor B Ashby BarUSA Brookmere Bundy Canyon Copper Sage Del Valle - Livingston Eagle Meadows/Foxhill 185 Fiesta Oak Valley/Oak Mesa Fiesta USA/Stoneridge Foxhill 216, etc. Freeway 101 Gateway Stone Glendale Tower Ptnrs Gramercy Court HFAH - Clear Lake Hunstville La Hacienda Mountain Home Business Park-Pegasus MH Venture Ocean Atlantic Palm Harbor One Placer Vineyard Shamrock Tower Tapia Ranch/Castaic Ten-Ninety \$17,235,000.00	\$500,000 \$250,000 \$1,000,000 \$850,000 \$1,000,000 \$1,500,000 \$1,000,000 \$600,000 \$1,000,000 \$500,000 \$500,000 \$400,000 \$300,000 \$500,000 \$400,000 \$165,000 \$1,000,000 \$500,000 \$250,000 \$520,000 \$400,000 \$500,000 \$2,000,000 \$500,000 \$500,000 \$600,000	8/30/05 ? ? 11/14/03 12/15/04 ? 1/28/05 8/10/05 10/10/05 6/16/04 ? 1/27/06 ? ? ? 6/15/04 1/14/05 1/15/05 3/??/05 1/26/06 1/23/06 11/29/05 1/10/04 ? 12/8/04 ?
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25				
26				
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³ Our representation of Fertitta Enterprises is only for non-plan and non-appeal issues.

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1	Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Kevin Kehl</u> BarUSA Bay Pompano Beach I-40 Gateway West Placer Vineyards Roam Development Tapia Ranch/Castaic \$1,000,000.00	\$200,000 \$150,000 \$150,000 \$150,000 \$150,000 \$200,000	11/14/03 6/21/05 ? 1/10/04 3/1/05 12/8/04
6	Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Kevin Kehl For Susan L. Kehl</u> Bay Pompano Beach	\$10,000	6/21/05
9	Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Kevin Kehl for Andrew R. Kehl</u> Bay Pompano Beach	\$10,000	6/21/05
12	Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Daniel J. Kehl</u> Ashby Huntsville Tapia Ranch/Castaic Ten-Ninety \$1,200,000.00	\$300,000 \$500,000 \$200,000 \$200,000	? 1/15/05 12/8/04 ?
16	Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Robert A. Kehl and</u> <u>Robert A. and Tina M. Kehl</u> BarUSA Bay Pompano Beach Fox Hills Ocean Atlantic Ten-Ninety \$2,000,000.00	\$300,000 \$300,000 \$500,000 \$500,000 \$400,000	11/14/03 6/21/05 11/27/06 1/23/06 ?
20	Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Krystina L. Kehl</u> Placer Vineyards	\$500,000	1/10/04
23	Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Kevin McKee</u> Fox Hills 216 Gateway Stone Eagle Meadows/Foxhill 185 \$500,000.00	\$100,000 \$100,000 \$300,000	5/27/06 ? 10/10/05

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1	Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Kehl Development Corp.</u> Eagle Meadows/Foxhill 185 Placer Vineyards Opaque/Mt. Edge \$1,900,000.00	\$400,000 \$500,000 \$1,000,000	10/10/05 1/10/04 ?
5	Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Patrick J. Anglin</u> Bay Pompano Beach Palm Harbor One Tapia Ranch/Castaic \$200,000.00	\$50,000 \$100,000 \$50,000	6/21/05 11/29/05 12/8/04
8	Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Christina M. Kehl</u> BarUSA Bay Pompano Beach Fiesta/Stoneridge Freeway 101 I-40 Gateway West Palm Harbor One Placer Vineyards Tapia Ranch/Castaic \$1,025,000.00	\$200,000 \$150,000 \$150,000 \$125,000 \$100,000 \$50,000 \$200,000 \$50,000	11/14/03 62105 ? ? ? ? 11/29/05 1/10/04 12/8/04
14	Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Judy A. Bonnet</u> BarUSA Fiesta Oak Valley/Oak Mesa \$150,000.00	\$50,000 \$100,000	11/14/03 6/16/04
17	Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Cynthia Winter</u> BarUSA Freeway 101 I-40 Gateway West Placer Vineyards Ten-Ninety \$900,000.00	\$200,000 \$200,000 \$200,000 \$100,000 \$200,000	111403 ? ? 1/10/04 ?
21	Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Warren Hoffman Family Investments</u> Tapia Ranch/Castaic	\$50,000	1/10/04
25	Mojave Canyon Inc. Attn: J.B. Partain, President 1400 Colorado Street #C Boulder City, NV 89005	HFAH Clear Lake Midvale Marketplace, LLC Roam Development Group, LP Standard Property Development Gramercy Court \$675,000.00	\$150,000 \$150,000 \$100,000 \$125,000 \$150,000	4/6/05 6/30/05 3/1/05 2/10/06 8/10/05

CERTIFICATE OF SERVICE

1. We filed and served the following document(s) on February 5, 2007:

**FOURTH AMENDED VERIFIED STATEMENT OF JONES VARGAS
PURSUANT TO BANKRUPTCY RULE 2019**

2. Upon filing, I served the above-named document(s) by the following means to the persons as listed below:

- a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

- MICHELLE L. ABRAMS mabrams@mabramslaw.com
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- NANCY L ALLF nallf@parsonsbehle.com, klawrence@parsonsbehle.com;tthomas@parsonsbehle.com;ecf@parsonsbehle.com
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- 21 • MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com
- 22 • ANTHONY A. ZMAILA azmaila@nevadafirm.com, bkecf@nevadafirm.com; mbarnes@nevadafirm.com; paltstatt@nevadafirm.com

23 **9 b. United States mail, postage fully prepaid** (list persons and addresses):

24 **9 c. Personal Service** (list persons and addresses):
I personally delivered the document(s) to the persons at these addresses:

25 **9** For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

26 **9** For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

27 **■ d. By direct email (as opposed to through the ECF System)** (list persons and email addresses):

28 **Frank Merola, Eve Karasik & Christine M. Pajak**

fmerola@stutman.com; ekarasik@stutman.com; cpajak@stutman.com

1
2 **Marc A. Levinson & Lynn Trinka Ernce**
2 malevinson@orrick.com; lernce@orrick.com

3 **Andrew Welcher c/o William E. Winfield,**
4 wwinfield@nchc.com

5 **Annette W. Jarvis, Steven C. Strong, & Douglas M. Monson**
5 ajarvis@rqn.com; sstrong@rqn.com; dmonson@rqn.com

6 **Leonard E. Schwartzter**
7 Lschwartzter@s-mlaw.com

8 **Gregory E. Garman**
8 geg@gordonsilver.com

9 **Rob Charles**
10 rcharles@rlaw.com

11 **August B. Landis**
11 Augie.landis@usdoj.gov

12 9 e. **By fax transmission** (list persons and fax numbers):

13 Based upon the written agreement of the parties to accept service by fax
14 transmission or a court order, I faxed the document(s) to the persons at the
15 fax numbers listed below. No error was reported by the fax machine that I
16 used. A copy of the record of the fax transmission is attached.

17 9 f. **By messenger:**

18 I served the document(s) by placing them in an envelope or package
19 addressed to the persons at the addresses listed below and providing them to
20 a messenger for service. (A declaration by the messenger must be attached
21 to this Certificate of Service).

22 **I declare under penalty of perjury that the foregoing is true and correct.**

23 DATED this 5th day of February, 2007.

24 Name

25 //s//

26 Signature